

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:18-cv-09363-AJN**

NAACP Legal Defense & Educational Fund, Inc. v. U.S.  
Department Of Justice  
Assigned to: Judge Alison J. Nathan  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/12/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**NAACP Legal Defense & Educational  
Fund, Inc.**

represented by **Aaron Ross Sussman**  
Naacp Legal Defense & Educational Fund,  
Inc.  
40 Rector St.  
New York, NY 10006  
(212)-965-2200  
Email: [asussman@naacpldf.org](mailto:asussman@naacpldf.org)  
**ATTORNEY TO BE NOTICED**

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**Leah Camille Aden**  
NAACP Legal Defense & Educational  
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V.

**Defendant**

**U.S. Department Of Justice**

represented by **Rebecca Kopplin**  
DOJ-Civ  
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Washington, DC 20005  
202-514-3953  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/12/2018	<u>1</u>	COMPLAINT against U.S. Department Of Justice. (Filing Fee \$ 400.00.) Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Exhibit A – Apr. 11, 2018 Request, # <u>2</u> Exhibit B – Apr. 25, 2018 Letter, # <u>3</u> Exhibit C – Apr. 30, 2018 Letter, # <u>4</u> Exhibit D – May 31, 2018 Letter, # <u>5</u> Exhibit E – July 13, 2018 Email, # <u>6</u> Exhibit F – July 16, 2018 Email, # <u>7</u> Exhibit G – August 28, 2018 Letter, # <u>8</u> Exhibit H – Sept. 17, 2018 Email, # <u>9</u> Exhibit I – Sept. 27, 2018 Letter)(Aden, Leah) (Entered: 10/12/2018)
10/12/2018	<u>2</u>	CIVIL COVER SHEET filed. (Aden, Leah) (Entered: 10/12/2018)
10/12/2018	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Justice, re: <u>1</u> Complaint,,, Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Aden, Leah) (Entered: 10/12/2018)
10/12/2018	<u>4</u>	NOTICE OF APPEARANCE by Leah Camille Aden on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Aden, Leah) (Entered: 10/12/2018)
10/12/2018	<u>5</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by NAACP Legal Defense & Educational Fund, Inc..(Aden, Leah) (Entered: 10/12/2018)
10/15/2018		Civil Case Opening Fee Payment: for <u>1</u> Complaint,,, Filing fee \$ 400.00.(Aden, Leah) (Entered: 10/15/2018)
10/15/2018		***NOTICE TO ATTORNEY TO PAY THE FILING FEE. Notice to Attorney Leah Camille Aden. Civil Case Opening Fee of \$400 Due: for <u>1</u> Complaint,,,. The filing fee due was not paid; either in whole or in part. If the filing fee is not paid within five (5) days, per Amended Standing Order 15–mc–131, this case will be administratively closed. Filing Fee due by 10/22/2018. (jgo) (Entered: 10/15/2018)
10/15/2018		Civil Case Opening Fee Payment: for <u>1</u> Complaint,,, Filing fee \$ 400.00, receipt number ANYSDC–15748003.(Aden, Leah) (Entered: 10/15/2018)
10/16/2018		<b>***NOTICE TO ATTORNEY REGARDING CIVIL CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Leah Camille Aden. The following case opening statistical information was erroneously selected/entered: Fee Date 10/12/2018; The following correction(s) have been made to your case entry: the Fee Date has been modified to 10/15/2018;.</b> (jgo) (Entered: 10/16/2018)
10/16/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Alison J. Nathan. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (jgo) (Entered: 10/16/2018)
10/16/2018		Magistrate Judge Henry B. Pitman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (jgo) (Entered: 10/16/2018)
10/16/2018		Case Designated ECF. (jgo) (Entered: 10/16/2018)
10/16/2018	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department Of Justice. (jgo) (Entered: 10/16/2018)
10/17/2018	<u>7</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. U.S. Department Of Justice served on 10/17/2018, answer due 11/16/2018. Service was accepted by Haojun Li, Clerk, U.S. Attorney for Southern District of New York. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Aden, Leah) (Entered: 10/17/2018)

10/18/2018	<u>8</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint,, served. Service was accepted by Brian Cress, Mail Clerk and Authorized Agent of the U.S. Department of Justice. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Aden, Leah) (Entered: 10/18/2018)
10/25/2018	<u>9</u>	NOTICE OF APPEARANCE by Aaron Ross Sussman on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Sussman, Aaron) (Entered: 10/25/2018)
10/26/2018	<u>10</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Parties ordered to submit via ECF proposed case management plan and joint letter seven days before conference. (Initial Conference set for 2/8/2019 at 03:15 PM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Alison J. Nathan.) (Signed by Judge Alison J. Nathan on 10/26/2018) (jca) Modified on 10/26/2018 (jca). (Entered: 10/26/2018)
11/09/2018	<u>11</u>	MOTION for Cerissa Irene Cafasso to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-15891145. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Affidavit in Support of Motion to Appear Pro Has Vice, # <u>2</u> Certificates of Good Standing, # <u>3</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 11/09/2018)
11/09/2018		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>11</u> MOTION for Cerissa Irene Cafasso to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-15891145. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 11/09/2018)
11/14/2018	<u>12</u>	ORDER granting <u>11</u> Motion for Cerissa Irene Cafasso to Appear Pro Hac Vice (HEREBY ORDERED by Judge Alison J. Nathan)(Text Only Order) (Nathan, Alison) (Entered: 11/14/2018)
11/15/2018	<u>13</u>	NOTICE OF APPEARANCE by Rebecca Kopplin on behalf of U.S. Department Of Justice. (Kopplin, Rebecca) (Entered: 11/15/2018)
11/16/2018	<u>14</u>	ANSWER to <u>1</u> Complaint,,. Document filed by U.S. Department Of Justice.(Kopplin, Rebecca) (Entered: 11/16/2018)
12/07/2018	<u>15</u>	NOTICE OF APPEARANCE by John Zachery Morris on behalf of NAACP Legal Defense & Educational Fund, Inc.. (Morris, John) (Entered: 12/07/2018)
01/24/2019	<u>16</u>	LETTER MOTION to Stay <i>in Light of Lapse in Appropriations</i> addressed to Judge Alison J. Nathan from Rebecca M. Kopplin dated January 24, 2019. Document filed by U.S. Department Of Justice.(Kopplin, Rebecca) (Entered: 01/24/2019)
01/28/2019	<u>17</u>	ORDER denying as moot <u>16</u> Letter Motion to Stay: In light of the restoration of the funding to the Department of Justice, the request to stay all deadlines and adjourn the initial pretrial conference is denied as moot. (Signed by Judge Alison J. Nathan on 1/28/2019) (jwh) (Entered: 01/28/2019)
02/01/2019	<u>18</u>	INITIAL REPORT OF PARTIES BEFORE PRETRIAL CONFERENCE. <i>Joint Letter</i> Document filed by U.S. Department Of Justice. (Attachments: # <u>1</u> Civil Case Management Plan and Scheduling Order)(Kopplin, Rebecca) (Entered: 02/01/2019)
02/08/2019		Minute Entry for proceedings held before Judge Alison J. Nathan. Initial pre-trial conference held. Case management plan entered. See transcript for complete details. (Court Reporter Rose Prater) (qs) (Entered: 02/08/2019)
02/11/2019	<u>19</u>	MEMO ENDORSEMENT on re: <u>18</u> Initial Report of Parties Before Pretrial Conference filed by U.S. Department Of Justice. ENDORSEMENT: SO ORDERED. (Cross Motions due by 5/10/2019., Motions due by 4/12/2019., Responses due by 6/7/2019, Replies due by 6/28/2019.) (Signed by Judge Alison J. Nathan on 2/8/2019) (kv) (Entered: 02/11/2019)
04/05/2019	<u>20</u>	CONSENT LETTER MOTION for Extension of Time addressed to Judge Alison J. Nathan from Rebecca M. Kopplin dated 4/5/2109. Document filed by U.S. Department Of Justice. (Attachments: # <u>1</u> Proposed Revised Scheduling Order)(Kopplin, Rebecca) (Entered: 04/05/2019)

04/10/2019	<u>21</u>	REVISED SCHEDULING ORDER: Upon consideration of the Defendant's motion for an extension of the summary judgment briefing schedule, the motion is GRANTED. It is hereby ORDERED that Defendant shall file its motion for summary judgment on or before May 13, 2019; Plaintiff shall file its combined cross-motion for summary judgment and opposition on or before June 10, 2019; Defendant shall file its combined opposition and reply on or before July 8, 2019; and Plaintiff shall file its reply on or before July 29, 2019. SO ORDERED. (Signed by Judge Alison J. Nathan on 4/10/2019) ( Cross Motions due by 6/10/2019., Motions due by 5/13/2019., Responses due by 7/8/2019, Replies due by 7/29/2019.) (ks) (Entered: 04/10/2019)
05/13/2019	<u>22</u>	MOTION for Summary Judgment . Document filed by U.S. Department Of Justice. Responses due by 6/10/2019(Kopplin, Rebecca) (Entered: 05/13/2019)
05/13/2019	<u>23</u>	MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment .. Document filed by U.S. Department Of Justice. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Kopplin, Rebecca) (Entered: 05/13/2019)
05/13/2019	<u>24</u>	DECLARATION of Tink Cooper in Support re: <u>22</u> MOTION for Summary Judgment .. Document filed by U.S. Department Of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N)(Kopplin, Rebecca) (Entered: 05/13/2019)
06/10/2019	<u>25</u>	CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment (Doc. 22)</i> . Document filed by NAACP Legal Defense & Educational Fund, Inc.. Responses due by 7/8/2019 (Attachments: # <u>1</u> Notice of Combined Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment)(Aden, Leah) (Entered: 06/10/2019)
06/10/2019	<u>26</u>	MEMORANDUM OF LAW in Support re: <u>25</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment (Doc. 22)</i> .. Document filed by NAACP Legal Defense & Educational Fund, Inc.. (Attachments: # <u>1</u> Declaration of Leah C. Aden, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Plaintiff's Statement of Material Facts, # <u>5</u> Text of Proposed Order)(Aden, Leah) (Entered: 06/10/2019)
07/08/2019	<u>27</u>	REPLY MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment .., <u>25</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment (Doc. 22)</i> . <i>and Opposition Memorandum of Law</i> . Document filed by U.S. Department Of Justice. (Attachments: # <u>1</u> Exhibit Ex 6 – Gore Deposition Transcript Extract)(Kopplin, Rebecca) (Entered: 07/08/2019)
07/08/2019	<u>28</u>	DECLARATION of Tink Cooper in Opposition re: <u>22</u> MOTION for Summary Judgment .., <u>25</u> CROSS MOTION for Summary Judgment <i>and Opposition to Defendant's Motion for Summary Judgment (Doc. 22)</i> .. Document filed by U.S. Department Of Justice. (Attachments: # <u>1</u> Exhibit Ex L – Rule 45 Subpoena)(Kopplin, Rebecca) (Entered: 07/08/2019)